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PHILOSOPHY AND PURPOSE

The Probation Officers assigned to the High Intensity DUI Enforcement (H.I.D.E.) Project are responsible for the supervision of offenders with a history of multiple Driving Under the Influence (DUI) or DUI with Injury violations. The Butte County Probation Department maintains the position that DUI offenses are serious crimes due to the threat such offenses represent to the community in terms of fatalities, injuries, property damage, and related economic losses.

The objective of the H.I.D.E. Program are, in order of priority:

- Public safety.
- Enforcement of terms and conditions of probation, including the payment of restitution where ordered.
- Involving the offender in DUI, SB-38, and/or alcohol/drug abuse counseling and treatment as appropriate.
- Monitoring and intervention in alcohol or substance abuse situations.
- Intelligence gathering and cooperative information sharing with justice system agencies.
- Improving the likelihood that the offender can function productively in society through employment, education and/or job training requirements.
- Prevention of DUI offenses by educating the public through presentations on the dangers of drinking and driving, and the efforts made by the H.I.D.E. Project. This includes providing information and educational materials to the local media to increase community awareness of the dangers of drinking and driving.

For the Probation Officer, the keys to accomplishing these goals are communication, consistency, and decisiveness. The probationers must know what is expected of them, what the consequences of violating probation will be, and that they will be treated fairly. When this occurs, the measure of compliance, and thereby public safety, is increased.

I. H.I.D.E. CASELOAD REQUIREMENTS

Initially, participants in the H.I.D.E. Project will be those in the current "ReVia Project" caseload which includes cases which are alcohol related, but not necessarily DUIs. As offenders rotate off of that caseload, they will be replaced by new probationers as referred by the Courts and other caseloads in the Probation Department.

Offenders referred to the H.I.D.E. Project should be multiple DUI offenders or DUI with Injury offenders on formal probation. Referred cases are subject to acceptance at the discretion of the H.I.D.E. Project Officers. As a practical matter, any offenders referred to the H.I.D.E. Project should reside in Butte County and have at least one year remaining on their grant of probation.

II. COMPLIANCE STANDARDS

A. Total compliance with probation terms and conditions is expected during the term of probation.

B. Rationale

All DUI offenders are considered to be at risk to re-offend, and the majority of the people in the H.I.D.E. Project are multiple DUI offenders to begin with. The passage of time is the only reliable measure by which to gauge re-offense potential.

Rules without consequences are meaningless. Therefore, it is the responsibility of the Butte County Probation Department to establish in the offender's mind that their full and complete compliance is not only desired but expected. The first priority of this office is public safety. The offender must understand that this office will take action on every violation of probation. They must also understand that any continued offense behavior (i.e. consuming alcohol, DUI) will result in violation of probation charges and incarceration.

III. REPORTING**A. Operational Guidelines**

Once granted probation, all offenders in the H.I.D.E. Project are required to report, in person, to their Probation Officer at least twice monthly.

B. Rationale

A frequent, consistent, and planned approach is necessary in order to monitor the progress of individual case objectives, collect information, and address situations that may arise for an individual probationer. The Probation Officer always retains the discretion to increase the frequency of contact if necessary or appropriate.

IV. HOME VISIT SCHEDULE**A. Operational Guidelines**

After the offender is released from custody*, the H.I.D.E. Project officers should conduct unannounced visit/searches of offender's residence two times per month during the probationer's tenure on the caseload. Whenever possible, the days of the week and times of the day home visits are conducted should be varied in order to maximize the potential of observing the offender in his/her living environment across a variety of circumstances.

* Probationers participating in custody alternative programs such as Electronic Monitoring, the Sheriff's Work Alternative Program, Sheriff's Parole, and "weekends" are considered to be out of custody for the purposes of this policy.

B. Rationale

A consistent, deliberate approach to how often H.I.D.E. Project participants are visited at their residence by the Probation Officer provides a valuable method of assessing the probationer's progress.

The Probation Officer must conduct home visits in order to observe and evaluate whether or not the offender is involved in behaviors that threaten the public safety (i.e. consuming alcohol) and/or are contrary to the objective of rehabilitation. Failure to conduct such home visits deprives the Probation Officer of a valuable tool for assessing progress and requires that the Probation Officer rely on the offender and outside sources of information.

The Probation Officer retains the discretion to increase the frequency of home visits as time and caseload objectives dictate.

V. SEARCH AND SEIZURE CONSIDERATIONS**A. In DUI Offenses**

In addition to searching for alcohol, weapons, and the usual probation search objectives, the Probation Officer supervising a DUI offender should also search for other indications that the offender is engaging in offense behavior. Such indications might include coupons for discounts at liquor stores or bars, unreported citations for offenses such as §14601.1(a) CVC or DUIs from out of county, and evidence of association with other probationers or parolees outside of therapeutic environments.

B. Rationale

As with supervising any high risk probationer, the Probation Officer is well advised not to take anything for granted. Even something as simple as a change in how a probationer maintains his residence can give insight into what they are doing. Detecting subtle information about a change in an offender's lifestyle and private behaviors can result in an intervention which prevents recidivism. At the very least, such findings can be communicated to the probationer's treatment program provider who can address the issue if appropriate.

VI. SUBSTANCE ABUSE ISSUES**A. Definition**

Where DUI offenders are concerned, substance abuse is particularly important, especially since it is the crux of the issue in most cases. While most DUI offenders will abuse alcohol, the term "substance abuse" incorporates both drug and alcohol abuse for the purpose of this protocol.

B. Operational Guidelines

In addition to the problem of keeping DUI offenders from alcohol abuse, it is of equal importance to keep the offender from switching from the abuse of alcohol to other substances.

Given the heightened potential for recidivism that the abuse of alcohol or any type of controlled substance represents, this office takes a "ZERO TOLERANCE" position in this matter. A Probation Officer who finds a H.I.D.E. Project participant, whether misdemeanor or felony, in possession of alcohol or controlled substances has grounds to arrest the offender for a violation of probation and place a Probation Hold on him/her pending violation proceedings. Likewise, any probationer who tests positive for alcohol or controlled substances can be arrested.

Any probationer acutely subject to relapse due to long term and/or serious levels of alcohol or substance abuse should be required to enter a residential substance abuse treatment program at the discretion of the Probation Officer.

C. Testing

All H.I.D.E. Project participants should be tested at least five times per month either by urinalysis or Preliminary Alcohol Screening (PAS) Instrument. The Probation Officer has discretion to increase the number of tests an offender is required to give if the officer believes it is warranted.

D. Treatment Programs

H.I.D.E. Project participants should be required to attend some level of professional substance abuse counseling unless that probationer has been transferred from another caseload and has already completed such, or the Probation Officer has reason to believe that such a program is unnecessary or redundant.

1. Out-patient treatment programs should be professional in nature, over an extended period of time (i.e. at least 12 weeks) and cover topics such as the recovery process, relapse prevention, the dangers of substance abuse, and recognizing self-defeating behaviors. The Butte County Probation Department frequently refers people to the following programs:
 - Butte County Behavioral Health Drug and Alcohol Services
 - Addiction Recovery Program
2. Residential treatment programs should be licensed by the State of California. The Butte County Probation Department, by policy, does not refer or recommend that clients enter non-licensed facilities. The obvious exception to this is a Court order. A list of licensed residential treatment programs is attached to this protocol and a current list is maintained by the Butte County Probation Department.

E. Naltrexone (ReVia)

1. Definition

Naltrexone is a medication used in conjunction with behavior modification programs to maintain a drug-free state in persons previously addicted to opiates who have undergone a successful detoxification program. Naltrexone blocks the effects of narcotics or heroin. It is also used in the treatment of alcoholism to reduce the craving for alcohol and allow the defendant to focus on recovery.

2. Operational Guidelines

New probationers who enter are assigned to the H.I.D.E. Project caseloads should have a Court order in effect which allows the Probation Officer to order that the offender participate in a medical/drug therapy treatment program.

All probationers entering the H.I.D.E. Project who are not transferred from another caseload will be referred to their physician for a screening to determine if they can safely take Naltrexone, and to obtain a prescription for Naltrexone. After the initial screening, the probationer should be required to ingest Naltrexone as directed by the Probation Officer and as approved by the offender's physician.

After the prescription is issued by the offender's physician, the Probation Officer will direct the probationer to Enloe Hospital Outpatient Center, or alternate ingestion site as approved by the Probation Officer, to have the prescription filled. The pharmacist, or his/her designee, will then sign and date the log each time the probation appears for ingestion of Naltrexone.

Naltrexone will be ingested as directed by the Probation Officer and/or prescribed by the offender's physician.

Each probationer shall be responsible for the financial costs incurred by the ingestion of Naltrexone including, but not limited to, laboratory, physician or clinic expenses for the cost of obtaining the prescription for Naltrexone. Any charges for substance abuse evaluations shall also be paid for by the offender at the discretion of the Probation Officer.

F. Rationale

Given the nature of the offense for which H.I.D.E. Participants have been convicted, primarily DUI with injury or multiple DUI offenses, it is logical for the Probation Department to be intolerant of alcohol or substance abuse as lack of action may result in compromising public safety.

VII. RESPONDING TO VOP AND NEW LAW VIOLATIONS

A. Violation of Probation

1. Offense Behavior

Continued offense behavior such as the consumption of alcohol or alcohol-related offenses such as an additional DUI violation should be acted upon as soon as possible. In all likelihood this will result in the offender's arrest for a

violation of probation. The matter is also to be addressed in the defendant's next Court review.

2. Other Violations of Probation

The Butte County Probation Department's Adult Supervision Unit Standard regarding violations of probation defines various types of probation violations. The H.I.D.E. Project Probation Officers shall follow this standard for violations which are not otherwise handled as noted above. This standard is reproduced, in part, below.

a. Priority I Violations – Non-Discretionary

Priority I violations require that the Probation Officer file a petition alleging a violation of probation promptly. Priority I violations include, but are not limited to, the following:

- i. Illegal use and/or possession of a firearm or dangerous weapon.
- ii. Drug Sales, Manufacturing, or Cultivation.
- iii. Any new felony law violation.
- iv. DUI offenses.
- v. Drug or alcohol (when prohibited) use OR possession or willful "failure to test" by Domestic Violence, Sex Offender, DUI offender, or any probationer with a history of violence.
- vi. Any act of violence resulting in injury to another person.
- vii. Willful violation of a Domestic Violence or any other victim-related restraining order, or a "no association with children" (and related conditions) order.
- viii. Willful failure to attend and/or cooperate with Court ordered Batterer's or Sex Offender Specific Treatment Program.
- ix. Absconding
- x. Willful failure to pay restitution and/or fines
- xi. Other public safety threat VOPs as defined by management.

Priority I violations i to viii as listed above define a situation where incarceration on a charge of violating probation (§1203.2(a) PC) is appropriate, in the interest of public safety.

b. Priority II Violations - Discretionary

Priority II violations are situations where the initiation of violation proceedings is at the discretion of the case officer. If a VOP petition is not filed, the Probation Officer shall document the action(s) to be taken in the field notes and notify the Court during the next Court review and/or via a Court VOP notice.

- i. Non-felonious drug/paraphernalia possession.
- ii. Willful failure to report as directed.
- iii. Leaving the state without permission (in the case of felonies).
- iv. Misdemeanor law violations which are not defined above.
- v. Drug or alcohol (when prohibited) use OR possession, or willful "failure to test" by a probationer not defined above.
- vi. Other VOPs as defined by management.

The unit supervisor must specifically approve any decision not to file a VOP in the event of repeat or multiple Priority II violations.

B. Probation Holds

The Butte County Probation Department has produced a standard regarding the use of Probation Holds which is paraphrased and reproduced in part, below.

Probation Holds are implemented through §1203.2(a) PC and authorized through the Butte County Superior Court. The use of a Probation Hold is limited to Butte County probationers housed in the Butte County Jail. A Probation Hold is not to be utilized for probationers incarcerated outside Butte County who should be returned for violation or other probation-related legal proceedings. In that case, the Probation Officer should seek a bench warrant or other means of returning the offender to Court.

In all cases where a Probation Hold is placed on a felony probationer, the case officer is to file a petition alleging a violation of probation immediately, and request an arraignment date no later than ten (10) Court days from the date the probationer is booked into the jail.

- ◆ The Unit Supervisor must approve any Probation Hold placed on a felony probationer, in writing, in the space provided on the form.
- ◆ In the event the Unit Supervisor authorizes the placing of a Probation Hold by telephone, the case officer shall write the supervisors name, and the date and time of the authorization in the space provided on the form, and write “by telephone” immediately below the authorization space.

Any officer placing a Probation Hold shall make a field note entry specifying the following information:

- ◆ The reason for the Probation Hold.
- ◆ The name of the Supervisor authorizing the hold.
- ◆ The arraignment date being requested.

It is the position of the Butte County Probation Department that multiple DUI offenders are a threat to public safety and due to the seriousness of the offense, the use of a Probation Hold has been authorized for both felony and misdemeanor H.I.D.E. Project participants.

C. Rationale

It is a compliance requirement of all participants in the H.I.D.E. Project that they cooperate with their grant of probation. Failing to act on violations teaches the offender that he/she can get away with violating their probation, which ultimately contributes to recidivism and thereby compromises public safety.

VIII. EMPLOYMENT AND/OR EDUCATION

A. Operational Guidelines

Generally, all H.I.D.E. probationers are required to be gainfully employed in order to support themselves and any dependents. The Probation Officer should take an aggressive approach towards requiring the probationer to job search, if the offender is unemployed or under-employed.

“Sufficient” employment is defined as work that provides enough verifiable income for the probationer to meet his/her expenses, without public assistance. This may require the probationer to work at more than one job. Probationers should not be permitted to remain dependent on public assistance without being actively engaged in an aggressive job search and/or legitimate job training program.

In the case of a probationer lacking job skills, schooling, or job training becomes a collateral focus. However, should the probationer be engaged in legitimate job training or schooling, their income should not be derived from public assistance. In such cases where the probationer cannot attend school unless they accept public assistance monies, the Probation Officer should direct and encourage the probationer to consider his/her first obligation to be providing for themselves economically through work, scaling back any school schedule to provide adequate time for both goals to be accomplished simultaneously.

Likewise, in this day and age, a person cannot get very far in life without the equivalent of a high school education. Therefore, offenders should be encouraged or directed, at the discretion of the Probation Officer, to attend classes and obtain a General Education Diploma (GED).

The Probation Officer should use his/her discretion as to when and if a job search is to implemented. In the case of people with legitimate disabilities, it is accepted that some of them cannot be employed. However, in the case of many such probationers, they may be referred to the Department of Vocational Rehabilitation for an assessment and re-education.

B. Employment Restrictions

Unless provided by a written Court ordered exception, no H.I.D.E. Project participant may accept employment or volunteer with any organization whose primary item of sale or use is alcohol or controlled substances.

C. Rationale

It is imperative that individuals on probation for committing a crime(s) not further burden society by being unproductive and not economically providing for themselves and any dependents. While legitimate disabilities are recognized, it is the rare case that even a 'disabled' individual cannot eventually find work in some venture that contributes to society. By working, victims are paid restitution, fines are paid, society is saved the burden of supporting the offender, and the probationer can come to realize the many practical benefits of being a contributing member of society.

IX. MAINTAINING CASELOAD INTELLIGENCE

A. Intelligence

Probation Officers assigned to the H.I.D.E. Project should maintain detailed information on the offenders which they supervise. This information should consist of at least the following.

1. A photograph of the probationer which should be updated as necessary to reflect his/her current appearance.
2. A record or photograph of any distinguishing scars, marks, or tattoos.
3. A record of all known motor vehicles which the offender owns, or has access to.
4. A record of the names and/or address of any of the probationer's significant others, and associates/cohorts, when available or appropriate. This includes any people residing with the probationer.
5. Any officer safety threats (e.g. needles, weapons in the residence, history of violence/weapons, dogs, psychological considerations).

While not always feasible, it is recommended that caseload officers maintain a sketch reflecting the layout of the offender's residence.

B. Distribution of Caseload Information

Once each month, an updated list of active H.I.D.E. Project offenders should be provided to both offices of the California Highway Patrol in Butte County, the Butte County Sheriff's Office, and local police departments.

C. Rationale

In the interest of helping improve the integrity and reliability of records, as well as to assist other agencies, the above measures are taken. The Probation Department is in the best position to maintain intelligence on probationers over time due to the extended contact that Probation Officers have with the offenders. Accurate records, identifiers and personal information regarding an offender may help solve or prevent crimes, thereby increasing the overall measure of public safety.

X. EDUCATING THE COMMUNITY

A. Presentations to the Community

As the time constraints of caseload supervision allow, the Probation Officers which are assigned to the H.I.D.E. Project should make an average of ten presentations per year to community-based organizations and schools regarding the dangers of drinking and driving as well as the efforts made by the H.I.D.E. Project. At least one of these presentations will be in Spanish.

B. Rationale

Inasmuch as fatalities occur each year which are directly attributable to DUI offenses, educating the public on the dangers of drinking and driving is a logical step toward reducing the number of DUI offenses. In turn, this reduces injuries and/or fatalities, increasing the measure of public safety. Ideally, the Probation Officers assigned to the H.I.D.E. Project will receive extensive training on the subject of alcohol abuse and the dangers of drinking and driving. Therefore, they are in an excellent position to relate this information to the community.